UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,635	10/08/2003	David Koeller	KOE-P-03-001	6112

7590 06/13/2008

BRIAN M. MATTSON
PATENTS + TMS
2849 W. ARMITAGE AVE
A PROFESSIONAL CORPORATION
CHICAGO, IL 60647

EXAMINER	
DAVIS, CASSANDRA HOPE	

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/681,635
Filing Date: October 08, 2003
Appellant(s): KOELLER, DAVID

Brian M. Mattison
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 17, 2008 appealing from the Office action mailed April 5, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,943,803	ZINBARG	08-1999
2005/0055921	VELLA	03-2005
6,217,958	BLYDEN ET AL.	04-2001

5,503,891 MARSHALL 06-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 3, 7-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vella, US 20050055921A1 in view of Zinbarg, U. S. Patent 5,943,803 and Marshall, US 5503891.

3. With respect to claims 1, 2, 10, Vella teaches a plurality of magnetic garage door pads. (See figure 1a). The pads comprise a first sheet 20 having a first planar side 30 and a second planar side 40 wherein the first planar side is oppositely juxtaposed to the second planar side and wherein the first planar side is a magnetic layer for removably attaching the first sheet to the garage door panel. The first planar side 30 has a first thickness defined between a top surface and a bottom surface of the first planar side 30. The second planar side 40 has a second thickness defined between a front surface and a rear surface of the second planar side wherein the rear surface is adjacent to the top surface. Vella also teaches the first thickness (the thickness of the magnetic side 30) is greater than the second thickness (the thickness of the intermediate layer 40).

(See figure 4). In addition, Vella teaches the second side has graphical representation 50 and a protective coating 60 over the graphical representation.

4. Vella does not teach the plurality of pads aligned to create an image that encompass more than one of the garage door panels or the thickness of the magnetic layer greater than the thickness of the first planar side.

5. Zinbarg teaches a garage door cover comprising a plurality of covers adapted to adhesively cover the entire surface of each garage door panel. Wherein each cover has a portion of an image such that when placed on the panels of the garage door a composite image is presented. (See figure 1).

6. Marshall teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface 12 laminated to the magnetic surface using an adhesive, wherein the adhesive corresponds to the bonding layer. See column 2, lines 40-62. In addition, Marshall teaches the thickness of the magnetic layer at it lower limits to be 0.25 mm and the thickness of the display surface 12 at its lower limit to be 0.175, wherein the thickness of the magnetic layer is greater than the thickness of the display surface.

7. Since Vella teaches the pad can be cut to a user-defined shape and size, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pads taught by Vella cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desire message. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught

by Vella and Zinbarg laminated together using an adhesive as taught by Marshall to provide a means to permanently secure the sheets together.

8. With respect to claim 3, 7, 14 and 18, Vella teaches a protective layer 60.

9. With respect to claim 8, 9, 11, 16, Vella, Marshall and Zinbarg teach indicia or graphics on the panels. Since textual indicia do not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. It would have been obvious at the time this invention was made to place whatever desired indicia on the panel to covey a desired message.

10. With respect to claims 15, Zinbarg teaches providing a garage door having a plurality of panel, providing a sheet with graphic or indicia thereon, cutting the sheet to the size of each garage door panel and attaching the cut sheet to the panels.

11. Claims 4, 5, 6, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg and Marshall as applied to claims 1, 10, and 14 above, and further in view of Blyden et al., U. S. Patent 6,217,958.

12. Blyden teaches a magnetic sign 1 having a magnetic layer 8 and a weather resistant first layer 3 with an ink or printed design thereon. Column 3, lines 1-18. The design can be a vinyl paint, illumined paint, reflective paint or photographic pictures. See column 4, lines 33-42.

13. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic garage door pad taught by Villa and

Zinbarg with reflective and/or illuminated paint as taught by Blyden to provide a means to increase the visibility of the pad.

(10) Response to Argument

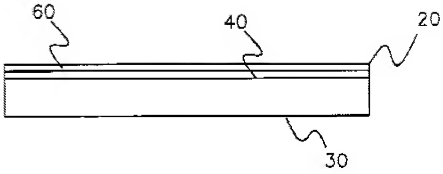
14. With respect to the rejection of claims 1, 2, 3, 7-12, 14-18 under 35 U.S.C. 103(a) as being unpatentable over Vella, US 20050055921A1 in view of Zinbarg, U. S. Patent 5,943,803 and Marshall, US 5503891, the appellant argues that the Vella, Zinbarg, and Marshall do teach or suggest that i) the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer as required by independent Claim I; ii) the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel as required by independent; iii) the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel as required by independent Claim I.

15. With respect to independent claim 1, the appellant contents Vella merely teaches a magnetic pad having a sheet 20. The sheet 20 has a first side having a magnetic material 30 and a second side 40. The second side 40 displays a graphic representation 50, and the graphic representation is chosen from a window or a door. (See Vella, page 2, paragraphs 59-62.) The appellant's further claims Zinbarg merely teaches that fixing means 44 are provided for coupling each cover panel 42, 34, 36, 38 to the outer surface 24, 26, 28, 30 of respective garage door panels 14, 16, 18, 20. Further, each fixing means 44 (and a plurality of spaced-apart fixing means may be used) is preferably a piece of removable, non-marring, double-sided foam tape. (See Zinbarg, col. 3, lines

35-42.) The fixing means 44 are positioned on the outer surface 24 of a first garage door panel 32 at the lateral sides thereof. (See Zinbarg, col. 3, lines 44-49.) Still further the appellant's contents Marshall et al. merely teach a mat I0 having a display surface 12 and a magnet attractant substrate 14 to receive magnetic symbols. The appellant argues the magnet attractant substrate is a ferrous/ferrite filled polymer sheet and in not magnetic.

16. The examiner disagrees. Vella, the primary reference, is cited to show magnetic pad magnetically attached to a garage door. Vella, in claim 10, recites a "custom made window or door façade comprising: "a sheet; at least one magnet attached to the sheet; and a graphic representation placed on the sheet; wherein the graphic representation includes a grille and a plurality of geometric panels. Vella also teaches the graphic representation is attached by "screen-printing, digital print, paint, stencil, ink, or *vinyl film*". Zinbarg, the secondary reference, is cited to show a garage door cover comprising a plurality of panels (32, 34, 36, 38), wherein each panel is sized and shaped to cover the front surface of each panel (14, 16, 18, 20) of a conventional garage. Marshall is cited to show magnetic attractant mat comprising a display surface and a magnet attractant substrate 14 laminated together using a bonding material such as acid free adhesive. See column 2, lines 54-55.

17. Vella clearly show a first planar side (sheet 20) of a first sheet attached to a second planar side (magnetic material 30) of second planar side of a first sheet. See claim 10, figure 4 and paragraphs 0060-0062. Vella is silent as to how the first planar side (sheet 20) is attached to the second planar side (magnetic material).



Since Vella does not specifically teach how the magnetic material is attached to the sheet, Marshall et al. was cited to show a first sheet (display surface) adhesively attached or bonded to a second sheet (magnet attractant substrate). The examiner concedes, as the appellant points out, that Marshall does not teach a magnetic surface but a magnetic attractant substrate. However, the examiner disagrees with the appellant's positions "that the Examiner clearly misunderstood and , therefore, misapplied the teachings of Marshall et al." Since it is inherent that there has to be some means by which the magnetic material taught by Vella is attached to the sheet, looking to the teaching of Marshall for a means to attach two sheets together is within the skill level of a person having ordinary skills in the art and therefor would have been obvious.

Respect to the applicant's arguments that Vella, Zinbarg, or Marshall et al. does not teach the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel as required by claim 1

and first panels side of the second sheet is a second magnetic layer to removably and magnetically attach a second sheet to a second garage door panel as required by claim 1, the examiner disagrees. As pointed out above, Vella, the primary reference, clearly teaches a plurality of magnetic pads or façades magnetically attached to a metallic surface of a garage door. See paragraphs 0067-0068 and 0077. Zinbarg, the secondary reference, clearly shows a first decorative cover 32 attached to a first garage door panel 14 and a second decorative cover 34 attached to a second garage door panel.

18. With respect to independent claim 10, the applicant argues none of Vella, Zinbarg or Marshall et al., taken singly or in combination, teaches or suggests a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside and that the front side is attached to the backside with a bonding layer, and the backside removably and magnetically attaches to the plurality of door panels.

19. The examiner disagrees. Vella clearly teaches a plurality of magnetic pad or façades, each comprising a sheet (front side) and a magnetic (backside) attached to the sheet, wherein the magnet (backside) removably and magnetically attaches a door panels. Although Vella shows the pad attached to a single panel of the garage, it is obvious that the pad can be attached to any one of the metallic door panels. As stated above, Vella is silent as to how the first planar side (sheet 20) is attached to the second planar side (magnetic material). Marshall et al., the secondary reference, was cited to show a first sheet (display surface) adhesively attached or bonded to a second sheet (magnet attractant substrate). Zinbarg is cited to show a plurality of decorative covers,

wherein one cover is attached to panel of the garage and a second cover is attached to an adjacent panel of the garage. Zinbarg also teaches each cover has a partial image of an overall or composite image such that when all of the covers are placed on the garage door panels the overall or composite image is formed. See figure 1. The examiner maintains that it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pads taught by Vella cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desire message. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught by Vella and Zinbarg laminated together using an adhesive as taught by Marshall to provide a means to permanently secure the sheets together.

With respect to independent claim 15, the appellant argues none of Vella, Zinbarg or Marshall et al., taken singly or in combination, teach or suggest i) the step of printing the plurality of segmented images on a corresponding plurality of magnetic sheets having a magnetic backing as required by independent; ii) the plurality of magnetic sheets have front sides that receive the plurality of segmented; iii) the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels as required by independent ; and iv) the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels

to form the decorative design. The appellant further argues that Vella merely teaches a magnetic pad having a sheet 20 and "Vella doe not teach the plurality of pads aligned to create an image that encompass more than one of the garage door panels. Zinbarg merely teaches that the fixing means are provided for coupling each cover panel to the outer surface of the garage door.

As stated earlier, Vella is cited to show a magnetic display member removably attached to a garage door and Zinbarg teaches a plurality of cover members attached respectively to a plurality of garage door panels, wherein each panel has a portion image of an overall image, wherein the overall image is formed from the combination of all the panels. See figure 1 of Zinbarg. The examiner maintains that it would have been obvious to construct the magnetic sheet taught by Vella of a size and shape to cover the entire surface of each garage door panel and/or it would have been obvious to attachment means of the cover member taught by Zinbarg with the magnetic as taught by Vella to provide a means to removably attach the covers to the garage door panels without damaging the panels. With respect to the method limitations, Zinbarg clearly teaches providing panels with predetermined dimensions and indicia printed thereon. Zinbarg states each panel is made of 1-2mil polyethylene and is 90 inches in width and 16 inches in height. See column 3, lines 65-67. Zinbarg teaches the cover panels can further be customized by cutting the panels with standard scissors to size the panels to a particular garage door. See column 4, lines 1-5. Since each sheet has printed indicia thereon, the examiner contends that the step of printing segmented images on corresponding sheets is inherent.

The step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design is clearly taught by the combination of Vella and Zinbarg.

With respect to claim 2, the applicant argues the Vella, Zinbarg, or Marshall fail to teach an image on the second planar side of the first sheet. The examiner disagrees, Vella clearly teaches a sheet 20 having one side with magnetic material thereon and a second side with indicia or graphic representation 50 thereon. See paragraphs 0060-0061.

With respect to claim 3, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a protective layer connected to the second planar side of the first sheet. Vella clearly teaches a protective coating layer 60. See paragraph 0064.

With respect to claim 7, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a synthetic layer to connect to the second planar side of the first side. The examiner disagrees, Vella teaches a sheet 20 can have a vinyl film applied thereto. See paragraph 0063.

20. With respect to claims 8 and 11, the applicant argues the Vella, Zinbarg, or Marshall fails to teach indicia to form the image wherein the indicia have text. The examiner contends, since the textual indicia does not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. Therefore, it would have been obvious at the time this invention was made to place whatever desired indicia on the panel to covey a desired message.

21. With respect to claim 9, the applicant argues the Vella, Zinbarg, or Marshall fail to teach decorative design to form the image wherein the decorative design has a pictorial representation. The examiner disagrees, Both Vella and Zinbarg teaches pictorial representation on a garage display. Vella specifically teaches a pictorial representation of a window on a magnetic display.

22. With respect to claim 12, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a light reflective layer attach to the font side wherein the light reflective layer extends from the front side of the plurality of magnetic sheets. The examiner contends that the graphic representation on the side is inherently reflective to give the indicia the ability to be seen. Nevertheless, the examiner contends the vinyl film taught by Vella to provides a reflective layer.

With respect to claim 14, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a protective layer connected to the second planar side of the first sheet. Vella clearly teaches a protective coating layer 60. See paragraph 0064.

23. With respect to claim 16, the applicant argues the Vella, Zinbarg, or Marshall fails to teach indicia to form the image wherein the indicia have text. The examiner contends, since the textual indicia does not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. Therefore, it would have been obvious at the time this invention was made to place whatever desired indicia on the panel to covey a desired message.

With respect to claim 17, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a protective layer connected to the second planar side of the first sheet. Vella clearly teaches a protective coating layer 60. See paragraph 0064.

With respect to claim 18, the applicant argues the Vella, Zinbarg, or Marshall fail to teach a protective layer connected to the second planar side of the first sheet. Vella clearly teaches a protective coating layer 60. See paragraph 0064.

24. With respect to the rejection of claims 4, 5, 6, 13, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg and Marshall as applied to claims 1, 10, and 14 above, and further in view of Blyden et al., U. S. Patent 6,217,958, the applicant argues Villa, Zinbarg, Marshall and Blyden do not teach a light emitting material to attach to the second planar side of the first sheet; a light reflective layer to attach to the second planar side of the first sheet; and a light reflective layer to attach to the image, respectively. The examiner disagrees. Blyden clearly teaches a magnetic sheet comprising a sheet 7 having lower surface with magnetized material thereon and a upper surface adapted to adhesively recited first layer 2, wherein the top surface of layer 2 has design placed thereon. Blyden dearly teaches the magnetic sheet "will be designed with vinyl paint, illuminated paints, reflective paints, and photographic pictures". See column. 4, lines 31-42. The examiner contends the illuminated paint corresponds to the claim light emitting material and the reflective paint corresponds to the light reflective layer. As stated above, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic

garage door pad taught by Villa and Zinbarg with reflective and/or illuminated paint as taught by Blyden to provide a means to increase the visibility of the pad.

25. The rejection is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Cassandra Davis/
Primary Examiner
Art Unit 3611

Conferees:

Cassandra Davis /C D/

Gary Hoge /GCH/

Meredith Petravick /mcp/